REPORT ON THE JURY SYSTEM

OF THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY

Submitted by David G. Barger August 1977 For the Administrative Office of the Courts

I. <u>Introduction</u>

The purpose of this report is to describe the jury system of the Circuit Court for Anne Arundel County. The description encompasses the entire jury process, from initial selection to the time that the jurors leave the court after their service.

II. Methodology

The material for this report was gathered primarily from a series of interviews with the jury commissioner of Anne Arudnel County's Circuit Court. Additional information was obtained by examining the forms used in the jury process in that court and by examining the jury plan that is on file in the Court of Appeals of Maryland.

- 4. The Jury Judge, in open court, then selects a starting number, randomly, between 1 and 18. Thus, if the number 10 is chosen, the tenth name on the voter list is selected and every eighteenth name after that.
- 5. The result is a random selection of 8,000 names.
- 6. The Jury Judge then, in open court, selects an even or odd number, i.e. 1 or 2. If the even number is selected, all even numbered persons on the list of 8,000 are chosen. If the odd number is chosen, all odd numbered persons are taken.
- 7. The result is 4,000 randomly selected names, taken from a list of 8,000 randomly selected names.

The starting number, the even or odd number, and the interval number, once they are determined, are given to the computer facility and the actual selection is done in an automated fashion by the computer. The selection is done in the presence of the Jury Judge and the Jury Commissioner after public notice of the proceeding has been made in the local newspaper and in the court.

The above selection process goes beyond the randomness concept presently argued for by persons in the jury utilization field in its use of the even-odd step. However, this step is justified by those in the system on the grounds that it does not involve any more time or cost and it further randomizes the selection process. In reality, though, it is doubtful that the process is indeed made more random and more fair.

Within a day or two of the selection of the 4,000 names, a qualification questionnaire is mailed from the computer center to all 4,000 persons. This questionnaire, printed by the county, at no charge to the court (at least in the past) is addressed

III. Description

The source list for jurors in Anne Arundel County is the voter's registration list.

This list is maintained on a computer located in the Arundel Center. The names are listed by voting district and for each district, they are filed alphabetically.

Approximately every two to three weeks, the list is updated. When new information is available on at least 100 names; new registrations, address changes, terminations, etc., the information is sent to the computer and fed in.

Once a year, usually in early September, the Jury Commissioner for Anne Arundel County contacts the Supervisor of the Board of Elections for Anne Arundel County to determine how many potential jurors there are in the County. Last year, 1976, there were 148,000.

Using this number, the Jury Commissioner and Jury Judge develop the numbers used to randomly select the potential jurors.

Using 1976, the procedure is as follows:

- 1. It is decided by the Jury Commissioner and Jury Judge that 4,000 names are needed to obtain enough qualified persons for the entire year.
- 2. The number 4,000 is multiplied by two to obtain 8,000.
- 3. Eight thousand is then divided into the number of registered voters, 148,000, to obtain the interval with which names are chosen from the voter's list. The interval produced is 18.

by the computer. This usually occurs in the first half of the month of November. The respondents by law have ten days to return the questionnaire. If it is not returned within a month at the latest, they are mailed a summons which requires them to appear in person and fill out a form or to contact the court and have another form sent if they did not receive one. Two-hundred and fifty of these were sent in 1976. With the added impetus of the summonses most of the forms are returned within one month. Those that are not returned after the summons are normally not pursued; it is felt that it is not worth the court's time because enough qualified persons are available.

Once the forms are returned, the Jury Commissioner and the Jury Clerk, with direction and approval from the Jury Judge, evaluate every questionnaire. This process takes possibly two months, into the beginning of February. The results are (using 1976 as an example):

1.	Questionnaires mailed out 4,197				
2.	Que	stionnaires returned	3,194		
	a.	Percentage of those mailed out that are returned	76%		
	b.	Excused	913		
	c.	Exempt (i.e., over 70 and desiring the statutorily			
		provided exemption)	140		
	d.	Disqualified	377		
	e.	Qualified	1,994		
3.	Not	Forwardable (no address)	677		
4.	No response (as of three months later Feb) 129				
5.	ret	centage of those persons urning questionnaires that ome qualified	53%		

The Jury Commissioner for Anne Arundel County, who has traditionally been called the Jury Shepherd, has a liberal excuse policy. The Commissioner sees such a policy as beneficial to Anne Arundel's system because it fosters good public relations.

After it is determined what persons are qualified, the names are sent back to the computer center where they are filed in the same order that they were taken off in, alphabetically.

The circuit court terms begin on the first Tuesday in March and September. Approximately one month prior to the beginning of these two terms, the Jury Judge and Jury Commissioner, after giving public notice, go back to the Arundel Center to witness the drawing of names from the qualified list for jury duty.

The procedure, using 1976 figures, is as follows:

- 1. Grand Jurors are chosen first and 23 are needed. So, 23 is divided into the qualified number, 1,994, to obtain the interval with which the Grand Jurors are selected, 86.
- 2. Then a starting number between 1 and 23 is chosen.
- 3. The computer is fed the starting number, say 10, and the interval number 86, and randomly selects 23 names for the Grand Jury list. The computer also produces three additional lists of 23 which are the alternate lists for Grand Jurors. It produces these lists in the same manner as the first only it uses a consecutively higher starting number.
- 4. The procedure used for the Grand Jurors is also used to select the Petit Jurors, except that the number 25 is used instead of 23 and the number of qualified persons from which to select is smaller.
- 5. For Petit Jurors, the computer produces six lists of 25 each for primary jurors and 4 lists of 25 each for

alternate jurors. The total is thus 250 Petit Jurors.

The above process of selecting from the qualified wheel is done twice each year, once for each term. Those jurors that actually serve in the first term and those jurors permanently excused from service are exempted from possible selection for this second term. Deletions are made via the computer.

On or about the time of selection from the qualified list, the computer sends out summonses to all those selected, except alternates, telling them to appear on the first day of the term. These summonses, are sent by regular mail. The Jury Commissioner, upon consultation with the Jury Judge, decided to use the regular mail system, which has been shown to be as effective as registered mail and less costly. The knowledge gained from this innovation should be made available to those in the system concerned with jury usage. Prospective Grand Jurors are also contacted personally by phone to insure their appear-If one is excused, then an alternate from the other Grand Juror lists, corresponding to the position of the one excused is contacted. For example, if person No. 10 is excused, then No. 10 on the first alternate list is contacted. Though not contacted by phone, Petit Jurors are replaced in the same manner. The rationale that the Jury Commissioner uses for going to the corresponding number to find an alternate is that it makes the selection more random. Between the time summonses are sent and the time that the court term begins, about 30-40 jurors are excused from the whole summoned group. When an alternate is found to be needed during the month prior to the start of the term, personal service, using the sheriff's office, is used.

Prior to the first day much time is spent by the Jury Commissioner and Clerk answering questions by jurors concerning all aspects of

the system (possibly much of the time spent answering questions could be eliminated by sending out a juror handbook and information sheet). On the first day of the term, all jurors are required to show up. If any do not, they are contacted by phone. At this initial appearance, all are asked to fill out a status card which will be used as a check on their service, and to aid in their payment, and as an information source. The jurors are also given an information sheet on parking, hours, etc., and a juror guide published by the Administrative Office of the Courts. At this first session, the 23 Grand Jurors and two alternates are instructed to return. The Grand Jurors usually serve one day each week, every week, though they can serve more if needed. A specified number of Petit Jurors are instructed to return for the following Tuesday, which is the designated day for The rest of the jurors are excused until they are jury trials. Most are given a certain date to report. The rest, about 25 per week, must call in and check with the court to see when they must report. Presently, the court is in the process of obtaining a code-a-phone to make this process of calling in more effective. Also, the Jury Commissioner is attempting to get the court to make more use of the jurors on the initial orientation day.

In the past, 74-80 Petit Jurors have been required to report on jury trial days. Presently, around 85 are being called to cut down on the chance that a judge might have to wait for jurors.

The determination as to how many jurors should report is made by the Jury Commissioner after consultation with the assignment clerk. Factors such as how many trials are set, what kind of trials are set, how many judges are available, and intuition gained from experience, are used to arrive at the figure.

Generally, there must be jurors present every Tuesday, and occasionally Thursday, to sit on cases. As of July 1, 1977, the

court will also have Thursday as a regular day for jury trials, due to an increase over the years of the number of jury trials being heard.

Presently, there are 2 six month terms of court. When a juror is chosen, he must be available for the entire term. However, temporary excuses during one's term of service are honored, with the regular jurors or alternates taking up the slack, because no one can be expected to always be able to serve for an entire six months. In fact, of the 48-50 possible jury days (as of July 1, 1977, two days per week for 24 weeks) per term, each juror serves 20-25, with the court setting a limit of 25. Since 150 jurors are present for a term, six lists of 25 each, and since 75-85 are present for each day of the two days per week, the service is divided up fairly equally among the whole group.

The court uses such techniques as staggered trial starting times where possible and the reuse of jurors not needed in a case, to reduce the size of jury pools. It should be noted that the use of staggered trials is not a formal policy and the chance to take advantage of them does not occur often. Usually, according to the Jury Commissioner, around 22 persons are sent to voir dire. More controversial cases require more. There is no formalized method of deciding which panels to use for a case. Availability is the main factor, but a balanced service, where each juror gets the chance to sit on a case, is a consideration. To meet the emergency often created by a special case, the court is developing a "talesman system," where jurors are placed on call for emergency A notice is sent to jurors, telling them of their status. The court now designates 150 qualified persons each term as tales-This is in addition to the primary and alternate jurors.

Payment of jurors is done on a monthly basis. The Jury Clerk, who is the assistant Jury Commissioner, is in charge of that activity. She fills out the information and sends it to the payroll department to mail out the checks.

Finally, upon completion of the jury term, an exit questionnaire is made available to the jurors which they can fill out if they like.

The jury system of the Circuit Court of Anne Arundel County is making increasing use of statistics gathering methods. the past two months, the Jury Commissioner has started using the JURY PANEL UTILIZATION DATA FORM developed by Bird Engineering in its jury studies. Information on jury panel sizes, numbers of jurors peremptorily challenged, numbers of jurors challenged for cause, and the number of jurors used to sit on a case, is collected for each jury trial and placed on this form. In Anne Arundel's Circuit Court, the reporter in the courtroom records the numbers and the Jury Commissioner later places this information on the form. Presently, a summary form on this information is not used. This is because the first form has just started being used and also there is a time constraint. There is a form created by the Jury Commissioner that does contain information on the number of jurors sent to voir dire and those used for each case. Each month's jury trial activities is summarized on one form. However, the form lacks clear organization and is difficult to read and interpret. The Jury Commissioner does plan to use one of the summary data forms developed by Bird Engineering as soon as time allows.

The Jury Commissioner also keeps statistics on the number of jury trials per judge, payment of jurors, costs of the jury system (\$90,000 for Petit Juries and \$25,000 for Grand Juries for

FY 1977, excluding personnel costs to run the system) and numbers of potential jurors not able to serve (excuses, exemptions, no answers, non-forwardable and disqualifications).

COMMENTS.

The jury system in Anne Arundel County's Circuit Court seems to be an amalgam of the old and new. They are attempting to use modern procedures in many aspects of their system. The selection of names for the master wheel and qualified wheel is done by computer, and questionnaires are mailed directly from the computer center. This direct mailing saves the step of sending the forms back to the court, a step many other circuit courts have not been able to eliminate because of an unwillingness on the part of the county and/or a lack of personnel in the county government to perform the task.

Additionally, the court is using forms that are easier to work with, as with the qualification questionnaire, and the court is starting to gather data that will be useful in improving the management of the system.

There are practices in the court that are mainly a function of tradition and that conflict with the trend towards modernization and possibly need to be changed. One of these practices is the use of a six month term of jury service. Though the service is often one day a week, it is for six months, with the result being that 20-25 days are spent in jury service for each juror. This amount of time would seem to place an undue hardship on many persons.

Reducing the term of service would seem appropriate if one considers that only 700 jurors are used each year (250 Petit Jurors plus 100 Grand Jurors each term) from a qualified group of almost

2,000. So there are enough jurors even if the term is reduced by half. If the term is not reduced, then the number of persons in the qualified wheel should be reduced, as that they are not only being wasted but the work involved in getting the excess persons to the qualified stage is work that should not be done.

APPENDIX

Forms for Anne Arundel County's Jury System

JUROR QUALIFICATION FORM

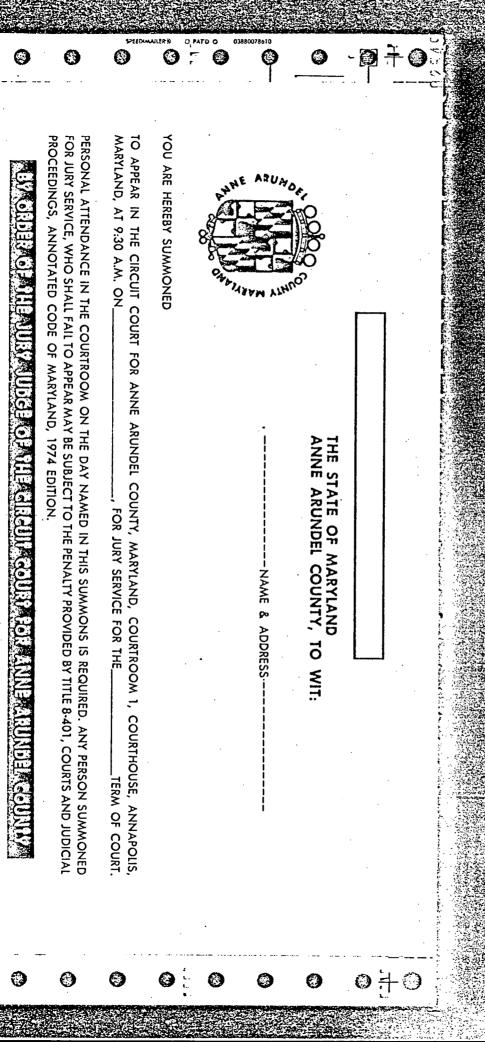
BE SUMMONED TO APPEAR AND BE SUBJECT TO PENALTIES PROVIDED BY LAW. OR NOT YOU ARE QUALIFIED FOR JURY SERVICE. IF YOU ARE CALLED FOR JURY SERVICE, YOU MUST PROVIDE YOUR OWN TRANSPORTATION. IF YOU FAIL TO RETURN THIS FORM, YOU WILL COMMISSIONER'S OFFICE AT 224-1438 OR 224-1439 BETWEEN THE HOURS OF 8:00 AND 4:30, MONDAYS THRU FRIDAYS. THE PURPOSE OF THIS FORM IS TO HELP US TO DETERMINE WHETHER COMMISSIONER IN THE ENCLOSED, SELF-ADDRESSED POSTAGE GUARANTEED ENVELOPE WITHIN TEN DAYS. IF YOU HAVE ANY QUESTIONS, YOU SHOULD PROMPTLY GET IN TOUCH WITH THE JURY LAW, YOUR NAME HAS BEEN SELECTED AT RANDOM FOR POSSIBLE JURY SERVICE CITIZEN: UNDER THE JURY SELECTION LAW OF MARYLAND, JURORS ARE SELECTED RANDOM FROM THE REGISTERED VOTERS RESIDENT IN THE COUNTY WHERE THE CO ARE REQUIRED TO SEND YOU THIS QUESTIONNAIRE WHICH YOU MUST FILL OUT A CONVENES. UNDER

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HINED OUT THIS FORM FOR THE PERSON WHOSE NAME APPEARS ABOVE BECAUSE



NOTE: IF FOR ANY REASON, YOU ARE UNABLE TO APPEAR AS DIRECTED, PROMPTLY CALL THE JURY COMMISSIONER'S OFFICE AT

THE COURTHOUSE.

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BUSINESS REPLY MAIL

PERMIT NO. 983 ANNAPOLIS, MD. FIRST CLASS MAIL
U. S. POSTAGE

NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

POSTAGE WILL BE PAID BY

THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
c/o JURY COMMISSIONER
P. O. BOX 1831
ANNAPOLIS, MARYLAND 21404

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OFFICE OF THE JURY COMMISSIONER (Lower leyel across from the snack bar)

MEMORANDUM FROM OFFICE OF THE JURY COMMISSIONER

JURORS WILL PLEASE CONTACT THE JURY COMMISSIONER'S OFFICE AT 224-1438 or 224-1439 DURING THE HOURS OF 8 a.m. and 4:30 p.m. OR CALL MRS. ALICE WOOD'S HOME 268-8239 AFTER 5:30 p.m. WHEN REQUESTING TO BE EXCUSED FROM DAY TO DAY FOR BUSINESS OR PERSONAL REASONS. IF JURORS ARE UNABLE TO REACH MRS. WOOD DURING OFFICE HOURS OR AT HOME, KINDLY CALL MRS. JACKIE WURZBACHER (ASSISTANT JURY COMMISSIONER) AFTER 5 p.m. AT HER HOME (974-0823).

IF THE JURY COMMISSIONER'S OFFICE IS UNABLE TO CONTACT JURORS BEFORE 4:30 p.m., SOME MEMBER OF THE STAFF WILL ATTEMPT TO REACH THEM AT THEIR HOMES DURING THE EVENING HOURS. PERSONS AUTHORIZED TO ACCEPT MESSAGES FOR JURORS SHOULD SO IDENTIFY THEMSELVES TO PERSON CALLING WHEN THE CALL IS RECEIVED.

IF THERE IS ANY QUESTION OR DOUBT ABOUT WHEN TO REPORT, JURORS SHOULD CONTACT ONE OF THE ABOVE PERSONS.

ALL JURORS ARE SUBJECT TO CALL FOR THE ENTIRE TERM BUT ANY CONFLICT IN AVAILABILITY CAN BE RESOLVED BY CONTACTING THE JURY COMMISSIONER'S OFFICE.

PLEASE INDICATE AT THE TOP OF YOUR INDEX CARD (GIVEN YOU THE FIRST DAY OF THE NEW TERM) WHETHER YOU WILL NEED A CERTIFICATION FROM THIS OFFICE INDICATING TO YOUR PLACE OF EMPLOYMENT THAT YOU HAVE SERVED ANY PARTICULAR DAY. ONCE A MONTH YOU WILL RECEIVE A CHECK FOR THE AMOUNT OF DAYS YOU HAVE SERVED.

THERE IS FREE PARKING IN THE ARUNDEL PARKING GARAGE LOCATED ACROSS FROM THE ARUNDEL CENTER ON CALVERT ST. (ENTER THE GARAGE ON CLAY ST.) PRESENT YOUR PARKING TICKET TO THIS OFFICE WHEN YOU ARRIVE FOR JURY SERVICE TO BE OFFICIALLY STAMPED.

IN ORDER TO CLARIFY THE STATUS OF THE ASSIGNMENT ON THOSE DAYS ON WHICH INCLEMENT WEATHER IS A FACTOR, ALL JURORS HAVE BEEN ALERTED TO POLLOW THE NOTICES OF THE LOCAL SCHOOL BOARD AND ACT ACCORDINGLY: i.e., IF SCHOOLS ARE CLOSED, JURY CASES ARE OFF: IF SCHOOL BUSES RUN LATE, JURORS ARE TO REPORT AT 10: a.m.

LISTEN TO EITHER OF THE FOLLOWING RADIO STATIONS

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THE ABOVE INCLEMENT WEATHER INSTRUCTION DOES NOT APPLY TO GRAND JURORS

State of Maryland
FIFTH JUDICIAL CIRCUIT
Annapolis
21401

E. Mackall Childs
Jury Judge

May 1977

Dear Sir or Madam:

This is to inform you that your name is currently on the list of qualified jurors who may be called to serve as talesmen during the March Term of Court, i.e., through August 1977. This would occur when additional jurors are needed over and above the 150 jurors regularly impanelled for this Term, usually in criminal cases where large numbers of jurors are challenged.

Every effort will be made to give you as much notice as possible; however, it will be appreciated if you will make tentative arrangements to be available on short notice, if necessary.

Please contact the office of the Jury Commissioner in Annapolis (224-1438 or 224-1439) upon receipt of this letter to provide them with a telephone number where you can be reached during the working day as well as the evening hours.

Very truly yours,

Wachall Childs

Jury Judge

EMC: jw

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THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY ANNAPOLIS, MARYLAND

TO:

ACCOUNT NO.

DEAR SIR OR MADAM:

Our records show that you have not returned a completed juror qualification form as instructed and which, according to our records, was sent to you at the above address.

You are hereby summoned to appear before the undersigned, Jury Commissioner for Anne Arundel County, in the office of the Jury Commissioner, Ground Floor of the Court House, Annapolis, Maryland at O'clock, A.M. on 1977, to fill our a juror qualification form, as required by law.

IF YOU DID NOT RECEIVE THIS FORM, CALL THE OFFICE OF THE JURY COMMISSIONER BETWEEN 8 A.M. and 4P.M. (Monday through Firday) at 224-1438 or 224-1439.

Your failure to appear as directed will result in the issuance of an order of court commanding you to appear before one of the Judges of the Court and show cause for your failure to comply with the summons. The law provides that any persons who fail to appear pursuant to such order or who fail to show good cause for noncompliance with the summons may be fined not more than \$100. or imprisoned not more than three days, or both. (Article 51, Sec.5, Annotated Code of Maryland).

Date	:	

Alice L. Wood
Jury Commissioner for
Anne Arundel County